The residential conditions imposed on asylum-seekers and refugees granted permission to stay in Germany are in violation of the human right to freedom of movement

Asylum-seekers in Germany are not allowed to travel freely outside the jurisdiction of the foreign nationals authority responsible for the area in which they are living. As a general rule refugees granted permission to stay and war refugees are required to stay within the Federal *Länd* in which they are living. They are only allowed to travel outside their specified area of residence for purposes of attending appointments with official authorities or to attend court, and then only if they are required to appear in person. In order to attend appointments with authorised representatives of the United Nations High Commissioner for Refugees and organisations working with refugees, the refugee is issued with a special permit, as provided for in law. Other special permits - for instance authorisation to visit relatives - may be granted at the discretion of the relevant foreign nationals authority.

In this regard the Society for Threatened Peoples notes that such compulsory residential requirements for refugees are in violation of the human right to freedom of movement (Art. 13 of the Universal Declaration of Human Rights). The people concerned are frequently refused permission to visit sick relatives or faced with bureaucratic hurdles to overcome that make it very difficult to obtain a travel permit. The Society for Threatened Peoples has been informed of the case of a young Bosnian war refugee who was only allowed to visit his father, suffering from a life-threatening condition, after he provided his local foreign nationals authority with a certificate confirming his father's condition.

Such travel restrictions are particularly burdensome for refugees who have suffered traumatic experiences before and during their flight. Their opportunities for communicating with other people are very limited since they are often not allowed to visit family members and friends. If they apply for a travel permit they are required to disclose the personal reasons for making the journey. This they regard as an invasion of their privacy. They feel they are being kept under watch. As a result many people are reluctant to apply for a travel permit. Most of the people concerned have no employment and are liable to suffer from isolation and loneliness

Members of ethnic minorities whose families have been torn apart in the circumstances of their flight from war and persecution and for whom the moral support offered by the extended family is of particular importance because of their cultural background find the constraints imposed by their conditions of residence particularly hard to bear. The Kosovo Roma are a caqse in point. Following the end of the war in Kosovo approximately 120,000 Roma were driven out by extremist Albanians, thousands of them fleeing to Germany. Only immediate family members are accommodated together and no provision is made for larger family groups. Many have relatives already living in Germany as refugees, some of them long-term residents. Every time they want to attend a family reunion they encounter problems. The refugees are dependent on the goodwill of the individual foreign nationals authority to which they have been assigned. Permission to travel for personal reasons is frequently refused.

For a refugee failure to observe the conditions of residence is an offence punishable in law by a very large fine, with repeat offences punishable by a prison term of up to one year. Use of a permit beyond its period of validity may result in the entitlement to food coupons being withdrawn. Criminalisation of the failure to comply with a legal requirement that is in violation of the human right to freedom of movement places those affected under quite

unjustifiable pressure. In a number of instances the consequences of this have been extremely serious. In October 2000 the African Refugees Association in Hamburg reported that refugees who had jumped from a window fearing an imminent visit from the police had suffered very grave injuries. They had travelled outside the jurisdiction of their foreign nationals authority without permission. Another refugee who had left his official area of residence without a permit drowned when he fell into the water off a houseboat while attempting to escape the imminent arrival of local police calling to check his situation

The Society for Threatened Peoples is asking the Commission on Human Rights to make the reisdential conditions imposed on asylum-seekers and refugees with permission to stay in Germany a topic for discussion in the context of the Universal Declaration on Human Rights, and in particular the right to the freedom of movement.